

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: 98-01620

COUNSEL: NONE

HEARING DESIRED: NO

DEC 7 1998

APPLICANT REQUESTS THAT:

His Active Duty Service Commitment (ADSC) incurred as a result of completion of C-9 flying training be removed.

APPLICANT CONTENDS THAT:

He was not made aware of nor did he acknowledge acceptance of the three-year ADSC for completion of Initial Qualification Training (IQT) in the C-9. He also contends that had he received notification of an ADSC with the training, he would have declined the training or coordinated with higher headquarters to get a waiver to the ADSC in advance of the training.

Applicant's complete statement and documentary evidence submitted in support of his application are included as Exhibit A with Attachment 1 and 2.

STATEMENT OF FACTS:

Applicant, a lieutenant colonel, completed C-9 IQT on 10 June 1997, incurring a three-year ADSC of 9 June 2000.

AIR FORCE EVALUATION:

HQ AFPC/DPPRS recommends that the application be denied. They provide the reason for establishment of ADSCs for training and advise that Air Force policy is that officers receive ADSCs voluntarily. If they are unwilling to accept the ADSC, they are to elect separation from the Air Force in lieu of undergoing the training. Officers are normally advised of these ADSCs in writing on AF Form 63. Occasionally, this procedure is not followed in exact accordance with delineated procedures. In those cases, the Air Force still awards the proper ADSC, as the vast majority have been incurred with the officer's full understanding and willing acceptance. The onus is on the officer to prove that he unwittingly incurred an ADSC for training he

would not have accepted had he been aware of the ADSC prior to entering the training. AFI 36-2107 clearly delineates the ADSC to be incurred for each type of event. If any Air Force member was unsure of the ADSC he or she will incur, the AFI provides a ready resource of clear, unambiguous and authoritative information.

While documentation of the officer's awareness of the ADSC provides ironclad proof the counseling was accomplished in a timely manner and the officer voluntarily accepted the ADSC, it is not the documentation of counseling that establishes the ADSC, but rather the completion of the ADSC-incurring event that determines and incurs the ADSC. Indeed, the instruction recognizes that documentation is not always accomplished and yet still directs the update of the ADSC. Clearly, the intent of the Air Force is that officers make informed decisions regarding the incurring of ADSCs and the critical issue is whether adequate information is provided the officer before he or she enters into an ADSC-incurring event, not whether the officer signed any particular document to memorialize that awareness.

Applicant received his C-9 IQT allocation through the AF Training Management System (AFTMS). AFTMS, when generating a training quota, refers to a computer table which contains the ADSCs for every training course administered in AFTMS, and then produces a training allocation Report on Individual Person (RIP) which is presented to the member for signature. This RIP contains detailed course information and the ADSC to be incurred as a result of attending the training. Applicant had to sign this RIP in order to attend the course and therefore was additionally advised of the ADSC to be incurred. Applicant admits to signing this training RIP. His signature constitutes acceptance of the ADSC associated with the course. Unfortunately, AFTMS training allocation RIPs were, at that time, temporary documents filed in relocation folders which were then destroyed a few months after the member's departure and are no longer available for them to attach to this advisory. They have confirmed, however, that AFTMS contained the correct, three year, ADSC for C-9 IQT at the time applicant was selected for attending the training.

Applicant does not claim "no knowledge" of the ADSC for IQT, rather, he cites "It seemed perfectly normal to receive non-major weapon system flight training as a senior supervisor without an ADSC." The association of an ADSC with initial qualification in an aircraft is well known throughout the pilot community. Furthermore, it is highly unlikely that he could have entered and then completed C-9 IQT without encountering at least informal discussions about the ADSC among classmates or instructors. It is also unlikely that, even if he had initially been unaware of the length of the ADSC, he would have blithely proceeded with the training after encountering such allusions and failed to seek clarification of his status regarding the ADSC. It is extremely unlikely that a pilot of his seniority and leadership position with the Operations Group would not be aware that there was at

least some ADSC as associated with any flying training (Exhibit C with Attachment 1.

APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

A copy of the advisory opinion was made available to the applicant for review and comment in accordance with established policy on 6 July 1998. However, to date, he has declined to respond.

THE BOARD CONCLUDES THAT:

1. The applicant has exhausted **all** remedies provided by existing law or regulations.
 2. The application was timely filed.
 3. Insufficient relevant evidence has been presented to demonstrate the existence of probable error or injustice. We took notice of the applicant's complete submission in judging the merits of the case; however, we agree with the opinion and recommendation of the Air Force office of primary responsibility and adopt their rationale as the basis for our conclusion that the applicant has not been the victim of an error or injustice. Therefore, in the absence of evidence to the contrary, we find no compelling basis to recommend granting the relief sought in this application.
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THE BOARD DETERMINES THAT:

The applicant be notified that the evidence presented did not demonstrate the existence of probable material error or injustice; that the application was denied without a personal appearance; and that the application will only be reconsidered upon the submission of newly discovered relevant evidence not considered with this application.

The following members of the Board considered this application in Executive Session on 30 October 1998, under the provisions of AFI 36-2603:

Mr. Benedict A. Kausal, IV, Panel Chair
Mr. Charles E. Bennett, Member
Mr. Henry Romo, Jr., Member

The following documentary evidence was considered:

- Exhibit A. DD Form 149, dated 29 May 98.
- Exhibit B. Applicant's Master Personnel Records.
- Exhibit C. Letter, AFPC/DPPRS, dated 23 Jun 98.
- Exhibit D. Letter, AFBCMR, dated 6 Jul 98.


BENEDICT A. KAUSAL, IV
Panel Chair



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS AIR FORCE PERSONNEL CENTER
RANDOLPH AIR FORCE BASE TEXAS

23 JUN 1998

MEMORANDUM FOR AFBCMR

FROM: HQ AFPC/DPPRS
550 C ST West, Suite 11
Randolph AFB TX 78150-4713

UBJECT: Application for Correction of Military Records [REDACTED]

Requested action: [REDACTED] request an active duty service commitment (ADSC) for Initial Qualification Training (IQT) be removed from his records.

Basis for request: [REDACTED] requests the change in the ADSC because [REDACTED] was not aware of the ADSC and did not sign the ADSC.

FACTS:

a. The ADSC program assures a reasonable return to the Air Force for the costs incurred in training. ADSCs are routinely incurred for such commonplace events as permanent change of station (PCS), training, education, and promotion. This was clearly stated in AFI 36-2107, ADSCs and Specified Period of Time contracts, 6 Jul 94. This reference also clearly delineates the ADSC to be incurred for each type of event. If any Air Force member was unsure of the ADSC he or she will incur, the AFI provides a ready resource of clear, unambiguous, and authoritative information.

b. While documentation of the officer's awareness of the ADSC provides ironclad proof the counseling was accomplished in a timely manner and the officer voluntarily accepted the ADSC, it is not the documentation of counseling that establishes the ADSC, but rather the completion of the ADSC-incurring event (in this case, IQT), which determines and incurs the ADSC. Indeed, the instruction recognizes that documentation is not always accomplished, and yet still directs the update of the ADSC (paras 3, 4a, 7c, 10a). Clearly, the intent of the Air Force is that officers make *informed* decisions regarding the incurring of ADSCs and the critical issue is whether the officer was aware of the ADSC before he or she enters into an ADSC-incurring event, *not* whether the officer signed any particular document to memorialize that awareness.

c. [REDACTED] completed C-9 IQT on 10 Jun 97, incurring a three year ADSC of 9 Jun 00.

DISCUSSION:

a. [REDACTED] received his C-9 IQT training allocation through the AF Training Management System (AFTMS). AFTMS, when generating a training quota, refers to a computer table which contains the ADSCs for every training course administered in AFTMS, and then produces a training allocation Report on Individual Person (RIP) which is presented to the member for signature. This RIP (sample RIP at Atch 1) contains detailed course information and the ADSC to be incurred as a result of attending the training. [REDACTED] had to sign this RIP in order to attend the course, and

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therefore was additionally advised of the ADSC to be incurred. [REDACTED] admits to signing this training RIP. His signature constitutes acceptance of the ADSC associated with the course. Unfortunately, AFTMS training allocation RIPs were, at that time, temporary documents filed in relocation folders which were then destroyed a few months after the member's departure, and are therefore no longer available for us to attach to this advisory. We have confirmed that AFTMS contained the correct, three year, ADSC for C-9 IQT at the time [REDACTED] was selected for attended the training.

b. [REDACTED] does not claim "no knowledge" of the ADSC for IQT, rather, he cites "It seemed perfectly normal to receive non-major weapon system flight training as a senior supervisor without an ADSC." The association of an ADSC with initial qualification in an aircraft is well known throughout the pilot community. Furthermore, it is highly unlikely that he could have entered and then completed C-9 IQT without encountering at least informal discussions about the ADSC among classmates or instructors. It is also unlikely that, even if he had initially been unaware of the length of the ADSC, he would have blithely proceeded with the training after encountering such allusions, and failed to seek clarification of his status regarding the ADSC. It is extremely unlikely that a pilot of his seniority and leadership position within the Operations Group would not be aware that there was at least some ADSC associated with any flying training.

RECOMMENDATION: Denial

a. [REDACTED] signed the training notification RIP and thus acknowledged and accepted his ADSC for C-9 IQT. We do not perceive that he has suffered any injustice or harm as a result of serving his legitimate commitment. Moreover, given the Air Force's critical need for experienced pilots, it is of vital importance to the Air Force mission to retain his services.

b. We believe the awareness of the association of ADSCs with flying training is so commonplace that [REDACTED] volunteered for and accepted the training fully aware that he would receive an ADSC. The presumption of [REDACTED] foreknowledge of the ADSC and his completion of the training rather than opting for separation from the Air Force constitute his tacit acceptance of the ADSC, and overcome the absence of formal documentation of his acceptance of the ADSC.

c. However, if the decision is to grant the relief sought, the record should be corrected to show [REDACTED] did not incur an ADSC of 9 Jun 00 for completion C-9 IQT, as [REDACTED] requested in his application. HQ AFPC/DPPRS can correct the personnel data system if [REDACTED] application is approved.

d. If you have any questions concerning the ADSC, POC is [REDACTED]
[REDACTED]

[REDACTED]
Assistant Chief, Separations Branch
Directorate, Personnel Program Management

Attachment:
Sample Training RIP

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PERSONAL DATA - PRIVACY ACT OF 1974

PREPARED 97 JUN 25 17:59

REPORT ON INDIVIDUAL PERSON (PA)

AS OF 97 JU

MEMORANDUM FOR

AFINT COMMANDER

OL AFST

FROM: /PERSONNEL RELOCATIONS

SUBJECT: TRAINING ALLOCATION NOTIFICATION

YOUR UNIT IS ALLOCATED A QUOTA IN COURSE KC135CIN REFER TO AFMAN 36-2622 VOL II, CHAP 8 FOR SELECTION/PROCESSING ACTIONS.

A. [] INITIAL TDY BRIEFING IS NOT REQUIRED. RETURN THE RIP WITH COMPLETED ENDORSEMENTS NLT

B. [] INITIAL TDY BRIEFING IS REQUIRED. YOUR BRIEFING IS ON AT OR CALL FOR AN APPOINTMENT AT 7537

C. [] QUESTIONS CAN BE DIRECTED TO AT EXTENSION 7537

PLEASE COMPLETE THESE AREAS & RETURN TO ATTN: AMN RAHANI NLT 8 JUL 97. THANK

PART I: QUOTA INFORMATION

TLN:

CRS TYPE: CORREY INITIAL QUALIFICATION

CRS NBR:

CLASS ID:

START DATE: 21AUG97

GRAD DATE: 26NOV97

TRNG: AT&O - HQ AFPC/DPAO (GRD FLYING)

PDS CODE:

DIR TVE STAT: 3

NR DAYS TDY: 100

QUOTA LOCK: A

QUOTA TYPE: OF

CONFIRM DATE: 21JUL97

FUND CITE:

TRNG LOC:

RRLTD:

SEC CLK REQ:

MAFAN:

ADSC REQ (MONTHS): 088

AMN: 88

CDAT:

88

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REMARKS:

COMPLY WITH AFMAN 36-2223, CHAPTER 3 FOR REPORTING INSTRUCTION AND PRE REQUISITES. TRNG PROVIDES PROFICIENCY TRAINING TO INITIALLY QUALIFY PLTS IN THE COPILOT POSITION OF THE KC135R. ACFT. TRNG EMPHASIZES PROCEDURES AND TECHNIQUES TO EFFECTIVELY AND SAFELY OPERATE THE ACFT IN ALL PHASES OF FLIGHT. TEACHES STUD COPILOTS THE DUTIES, RESPONSIBILITIES AND CREW COORDINATION REQUIREMENTS FOR MULTIENGINE TANKER AIRCRAFT. LOC. INSTRUCTION: RIF

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